IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 1726 of 2004

Between:

1 K.V.S.S.R.K. Kondal Rao S/o. Anandarao.aged 38 years.
Sri V.V.S.S. Devasthanams, Annavaram, E.G.District.
2 C.A.V.G.S.Shankar Rao S/o. Ramamurthy, aged 45 years,
Sri V.V.S.S. Devasthanams, Annavaram, E.G.District.
3 S.Sathabbai, S/o. Ganganna,aged 46 years,
Sri V.V.S.S. Devasthanams, Annavaram, E.G.District.
4 M. Srinivas S/o. Balaramayya ,aged 56 years,
Sri V.V.S.S. Devasthanams, Annavaram, E.G.District.

..... PETITIONER(S)

AND

1 Sri Veera Venkata Satyanarayana Swamy Devasthanams Annavaram rep., by its Executive Officer, E.G.District.
2 Y.V.V.S.S.Bhramaramba, D/o.Late Y. Lakshminarayana,.
VVSS Devasthanams, Annavaram, E.G.District.
3 P. Jagga Rao S/o. Narasimhamurthys
Sri. SVSS Devasthanams, Annavaram, E.G.District.

4. The Commissioner, Endowments, Govt. of A.P.,

5. Tilak Road,Hyderabad (As per the endorsement on the CT dated 26-7-2004 of the Court).

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.1 in not preparing the Seniority List of the employees working in the first respondent temple, inspite of the orders of this Hon'ble Court as illegal, void, arbitrary and against the Articles 14,16 & 21 of the

Constitution of India and consequently direct the respondent No.1 to prepare the Seniority List of the Senior Assistants working in the temple and promote the petitioners to the post of Superintendents as per the placement assigned in the seniority list.

Counsel for the Petitioner:MR.N.GURU GOPAL

Counsel for the Respondent No.1:SMT.N.INDRANI

Counsel for the Respondent No.2: Mr.A.SATYA PRASAD

Counsel for the Respondent No.3: M.Krishnamohan Rao

The Court made the following :

–

–

–

–

–

–

–

–

–

–

–

–

–

ORDER:

Heard the learned counsel for petitioners as well as the learned Standing Counsel for respondent No.1 and learned standing counsel appearing for respondent Nos.2 and 3.

The petitioners are working as Senior Assistants in the office of the 1st respondent-Sri Vera Venkata Satyanarayana Swamy Devasthanam. The respondent Nos.2 and 3 are also working as

Senior Assistants. It is the case of the petitioners that the respondent Nos.2 and 3 are promoted to the post of the Senior Assistants after promotion of the petitioners and therefore, they are seniors.

Whereas, it is the case of the respondents 2 and 3 that they are the seniors to the petitioners. As such they are entitled for further promotion.

Admittedly the interse seniority in the post of the Senior Assistant has not been finalized. To effect the promotion to the post of Superintendent, the senior most among the Senior Assistants has to be considered.

The 1st respondent-Sri Vera Venkata Satyanarayana Swamy Devasthanams also filed counter.

This court in a writ petition filed by Sri L.V.V.S.Ramana Rao in W.P.No.10896 of 1987 disposed of the said writ petition on 26-4-1988 directing the first respondent Devasthanam to prepare combined seniority list of all the staff working in different categories in different wings or institutions under the management of the 1st respondent Devasthanam, circulate the seniority list calling for objections, if any, of the employees and after approval, publication of the list which should cover in future service condition of the employees. It was directed to complete the said exercise expeditiously within a period of three (3) months from the date of receipt of the said order. Even though, 16 years have been elapsed, no action has been taken sofar by the 1st respondent and in the said writ petition the Commissioner, Endowments was made as the second respondent.

It is now argued that the Devasthanam has not prepared the seniority list of the employees in all categories and it will take four (4) months for preparing the seniority list of the employees in all categories and publish the same after considering objections of the employees. It is further admitted unless interse seniority is finalized between the petitioners and the respondents, the promotions cannot

be effected.

It is also admitted that the directions issued by this court in W.P.No.10896 of 87 have become final and Devasthanam is going to publish approval of seniority list of employees including the writ petitioners and the respondents 2 and 3 inviting objections and after considering the objections, if any, seniority list will be finalized.

The Commissioner of Endowments,A.P., Hyderrabad was party to the W.P.No.10896 of 87 and it is stated by the learned Standing Counsel for the respondent No.1 that the Commissioner has to permit the first respondent to finalise the list of interse seniority of the 1st respondent Devasthanam.

Accordingly the Commissioner, Endowment, Government of A.P.,Hyderabad is impleaded as 4th respondent so as to enable him to take necessary action.

Recording the aforesaid statement of the 1st respondent in its counter , the writ petition is disposed of directing the 1st respondent to prepare the seniority list of the employees in all categories and after considering the objections of the employees, publish the same finalizing the interse seniority of the petitioners as well as respondents alongwith others within four (4) months from the date of receipt of this order and pass appropriate orders.

Accordingly the writ petition is disposed of. No order as to costs.

26th July,2004. V.Eswearaiah, J,

STP

Note:C.C. to Commissioner of

Endowments,A.P. in one week.

Sd/-

Assistant Registrar

To

1.The Commissioner, Endowments, A.P.Hyderabad.

2.2CCs to Standing Counsel for Endowments.

3.2CD copies

*Form-NIC-OGS/WP{**AP**}*

THE HON'BLE MR JUSTICE V.ESWARAIAH

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

WRIT PETITION NO : 1726 of 2004

26TH JULY,2004